

Message Text

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TAGS: ETRD

SUBJ: TRADE REFORM ACT - JACKSON-VANIK AMENDMENT

FOR TRIMBLE (USDEL XCSS) FROM ALDRICH

FOLLOWING IS ALAN WOLFF'S DRAFT OF WAIVER PROVISIONS FOR
JACKSON-VANIK AMENDMENT. REQUEST YOUR COMMENTS ASAP.

BEGIN TEXT: REDESIGNATE SUBSECTION (C) OF SECTION 402 TO
BE SUBSECTION (F) AND AFTER SUBSECTION (B) INSERT THE FOL-
LOWING NEW SUBSECTIONS:

(C)(1) DURING THE 18-MONTH PERIOD BEGINNING ON THE DATE OF
THE ENACTMENT OF THIS ACT, THE PRESIDENT IS AUTHORIZED TO
WAIVE THE APPLICATION OF SUBSECTIONS (A) AND (B) WITH
RESPECT TO ANY COUNTRY, IF HE DETERMINES THAT SUCH WAIVER
WILL SUBSTANTIALLY PROMOTE THE OBJECTIVES OF THIS SECTION.

(2) DURING ANY PERIOD SUBSEQUENT TO THAT PROVIDED IN
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PARAGRAPH (1), THE PRESIDENT MAY WAIVE THE APPLICATION OF SUBSECTIONS (A) AND (B) WITH RESPECT TO ANY COUNTRY, IF

(A) THE WAIVER AUTHORITY CONTAINED IN PARAGRAPH (1) CONTINUES TO APPLY TO SUCH COUNTRY PURSUANT TO SUBSECTION (D); AND

(B) HE DETERMINES THAT SUCH WAIVER WILL SUBSTANTIALLY PROMOTE THE OBJECTIVES OF THIS SECTION.

(3) A WAIVER WITH RESPECT TO ANY COUNTRY SHALL TERMINATE ON THE DAY AFTER THE WAIVER AUTHORITY GRANTED IN THIS SUBSECTION EXPIRES WITH RESPECT TO SUCH COUNTRY PURSUANT TO SUBSECTION (D). THE PRESIDENT MAY, AT ANY TIME, TERMINATE ANY WAIVER GRANTED UNDER THIS SUBSECTION.

(D)(1) IF THE PRESIDENT DETERMINES THAT THE EXTENSION OF THE WAIVER AUTHORITY GRANTED UNDER SUBSECTION (C) WILL SUBSTANTIALLY PROMOTE THE OBJECTIVES OF THIS SECTION, HE MAY RECOMMEND TO THE CONGRESS THAT SUCH AUTHORITY BE EXTENDED FOR A PERIOD OF 12 MONTHS. ANY SUCH RECOMMENDATION SHALL--

(A) BE MADE NOT LATER THAN 30 DAYS BEFORE THE EXPIRATION OF SUCH AUTHORITY;

(B) BE MADE IN A DOCUMENT TRANSMITTED TO THE HOUSE OF REPRESENTATIVES AND THE SENATE SETTING FORTH HIS REASONS FOR SUCH RECOMMENDATION; AND

(C) INCLUDES FOR EACH COUNTRY WITH RESPECT TO WHICH A WAIVER GRANTED UNDER SUBSECTION (C) IS IN EFFECT, A DETERMINATION THAT CONTINUATION OF THE WAIVER APPLICABLE TO THAT COUNTRY WILL SUBSTANTIALLY PROMOTE THE OBJECTIVES OF THIS SECTION, AND A STATEMENT SETTING FORTH HIS REASONS FOR SUCH DETERMINATION.

(2) IF THE PRESIDENT RECOMMENDS UNDER PARAGRAPH (1) THE EXTENSION OF THE WAIVER AUTHORITY GRANTED UNDER SUBSECTION (C)(1), SUCH AUTHORITY SHALL CONTINUE IN EFFECT WITH RESPECT TO ANY COUNTRY FOR A PERIOD OF 12 MONTHS FOLLOWING THE END OF THE 18-MONTH PERIOD REFERRED TO IN SUBSECTION LIMITED OFFICIAL USE

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(C)(1), IF, BEFORE THE END OF SUCH 18-MONTH PERIOD, THE HOUSE OF REPRESENTATIVES AND THE SENATE ADOPT, BY AN AFFIRMATIVE VOTE OF A MAJORITY OF THE MEMBERS PRESENT AND VOTING IN EACH HOUSE AND UNDER THE PROCEDURES SET FORTH IN SECTION 151, A CONCURRENT RESOLUTION APPROVING THE EXTENSION OF SUCH AUTHORITY, AND SUCH RESOLUTION DOES NOT NAME SUCH COUNTRY AS BEING EXCLUDED FROM SUCH AUTHORITY.

(3) IF THE PRESIDENT RECOMMENDS UNDER PARAGRAPH (1) THE EXTENSION OF THE WAIVER AUTHORITY GRANTED UNDER SUBSECTION (C)(1) AND AT THE END OF THE 18-MONTH PERIOD REFERRED TO IN SUBSECTION (C) THE HOUSE OF REPRESENTATIVES AND THE SENATE HAVE NOT ADOPTED A CONCURRENT RESOLUTION APPROVING THE EXTENSION OF SUCH AUTHORITY, SUCH AUTHORITY SHALL CONTINUE

IN EFFECT WITH RESPECT TO ANY COUNTRY FOR A PERIOD OF 60 DAYS FOLLOWING THE END OF THE 18-MONTH PERIOD REFERRED TO IN SUBSECTION (C), UNLESS BEFORE THE END OF SUCH 60-DAY PERIOD--

(A) THE HOUSE OF REPRESENTATIVES AND THE SENATE ADOPT, BY AN AFFIRMATIVE VOTE OF A MAJORITY OF THE MEMBERS PRESENT AND VOTING IN EACH HOUSE AND UNDER THE PROCEDURES SET FORTH IN SECTION 151, A CONCURRENT RESOLUTION APPROVING THE EXTENSION OF SUCH AUTHORITY, NAMES SUCH COUNTRY AS BEING EXCLUDED FROM SUCH AUTHORITY, OR

(B) BOTH THE HOUSE AND THE SENATE VOTE ON THE QUESTION OF FINAL PASSAGE OF A CONCURRENT RESOLUTION OF APPROVAL RELATING TO THE EXTENSION OF SUCH AUTHORITY AND EITHER (I) BOTH THE HOUSE AND THE SENATE FAIL TO ADOPT SUCH CONCURRENT RESOLUTION, (II) BOTH THE HOUSE AND THE SENATE ADOPT A CONCURRENT RESOLUTION WHICH NAMES SUCH COUNTRY AS BEING EXCLUDED FROM SUCH AUTHORITY, OR (III) ONE HOUSE FAILS TO ADOPT THE CONCURRENT RESOLUTION AND THE OTHER HOUSE ADOPTS A CONCURRENT RESOLUTION WHICH NAMES SUCH COUNTRY AS BEING EXCLUDED FROM SUCH AUTHORITY.

(4) IF THE PRESIDENT RECOMMENDS UNDER PARAGRAPH (1) THE EXTENSION OF THE WAIVER AUTHORITY GRANTED UNDER SUBSECTION (C)(1), AND AT THE END OF THE 60-DAY PERIOD REFERRED TO IN LIMITED OFFICIAL USE

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PARAGRAPH (3), THE HOUSE OF REPRESENTATIVES AND THE SENATE HAVE NOT ADOPTED A CONCURRENT RESOLUTION APPROVING THE EXTENSION OF THE AUTHORITY, SUCH AUTHORITY SHALL CONTINUE IN EFFECT UNTIL THE END OF THE 12-MONTH PERIOD FOLLOWING THE END OF THE 60 DAY PERIOD REFERRED TO IN PARAGRAPH (3) WITH RESPECT TO ANY COUNTRY (EXCEPT FOR ANY COUNTRY WITH RESPECT TO WHICH EITHER OF THE CONTINGENCIES DESCRIBED IN SUBPARAGRAPHS (A) AND (B) OF PARAGRAPH (3) HAS OCCURRED), UNLESS BEFORE THE END OF THE 45-DAY PERIOD FOLLOWING THE 60-DAY PERIOD REFERRED TO IN PARAGRAPH (3) EITHER THE HOUSE OF REPRESENTATIVES OR THE SENATE ADOPTS, BY AN AFFIRMATIVE VOTE OF A MAJORITY OF THE MEMBERS PRESENT AND VOTING IN THAT HOUSE AND UNDER THE PROCEDURES SET FORTH IN SECTION 152, A RESOLUTION DISAPPROVING THE EXTENSION OF SUCH

AUTHORITY GENERALLY OR WITH RESPECT TO SUCH COUNTRY SPECIFICALLY. SUCH AUTHORITY SHALL CEASE TO BE EFFECTIVE WITH RESPECT TO ANY SUCH COUNTRY ON THE DAY AFTER THE DATE OF THE ADOPTION OF SUCH A RESOLUTION BY EITHER HOUSE BEFORE THE END OF SUCH 45-DAY PERIOD.

(5) IF THE WAIVER AUTHORITY HAS BEEN EXTENDED UNDER PARAGRAPH (3) FOR ANY COUNTRY FOR THE 12-MONTH PERIOD

REFERRED TO IN SUCH PARAGRAPH, AND THE PRESIDENT DETERMINES THAT THE FURTHER EXTENSION OF SUCH AUTHORITY WILL SUBSTANTIALLY PROMOTE THE OBJECTIVES OF THIS SECTION, HE MAY RECOMMEND FURTHER EXTENSIONS OF SUCH AUTHORITY FOR SUCCESSIVE 12-MONTH PERIODS. IF THE PRESIDENT RECOMMENDS THE FURTHER EXTENSION OF SUCH AUTHORITY, SUCH AUTHORITY SHALL CONTINUE IN EFFECT UNTIL THE END OF THE 12-MONTH PERIOD FOLLOWING THE END OF THE PREVIOUS 12-MONTH EXTENSION WITH RESPECT TO ANY COUNTRY, UNLESS BEFORE THE END OF THE 60-DAY PERIOD FOLLOWING SUCH PREVIOUS 12-MONTH EXTENSION, EITHER THE HOUSE OF REPRESENTATIVES OR THE SENATE ADOPTS, BY AN AFFIRMATIVE VOTE OF A MAJORITY OF THE MEMBERS PRESENT AND VOTING IN THAT HOUSE AND UNDER THE PROCEDURES SET FORTH IN SECTION 152, A RESOLUTION DISAPPROVING THE EXTENSION OF SUCH AUTHORITY GENERALLY OR WITH RESPECT TO SUCH COUNTRY SPECIFICALLY. SUCH AUTHORITY SHALL CEASE TO BE EFFECTIVE WITH RESPECT TO ANY SUCH COUNTRY ON THE DAY AFTER THE DATE OF THE ADOPTION OF SUCH A RESOLUTION BY EITHER HOUSE BEFORE LIMITED OFFICIAL USE

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THE END OF SUCH 60-DAY PERIOD.

SECTION 151

ADD THE FOLLOWING TO SECTION 151(B):

(4) THE TERM "CONCURRENT RESOLUTION" AS USED IN SECTION 402(D) MEANS ONLY A CONCURRENT RESOLUTION OF THE TWO HOUSES OF THE CONGRESS, THE MATTER AFTER THE RESOLVING CLAUSE OF WHICH IS AS FOLLOWS: "THAT THE CONGRESS APPROVES THE EXTENSION OF THE AUTHORITY CONTAINED IN SECTION 402(C) OF THE TRADE REFORM ACT OF 1974 EXCEPT WITH RESPECT TO", WITH THE BLANK SPACE BEING FILLED WITH THE NAMES OF THOSE COUNTRIES, IF ANY, WITH RESPECT TO WHICH SUCH EXTENSION IS NOT APPROVED, AND WITH THE EXCEPT CLAUSE BEING OMITTED IF THERE ARE NO SUCH COUNTRIES.

(REVISE SUBSECTIONS (C), (E), (F), AND (G) TO INCLUDE WAIVER RESOLUTIONS AND (1) TO TAKE INTO ACCOUNT THAT THESE RESOLUTIONS CAN BE AMENDED, (2) PROVIDE A SHORTER PERIOD

FOR THEM IN SUBSECTION (E)(1), (3) MAKE SUBSECTION (E)(3)
INAPPLICABLE TO THEM, AND (4) POSSIBLY, PROVISIONS DEALING
WITH CONFERENCE COMMITTEE ACTION ON WAIVER RESOLUTIONS.)

SECTION 152

ADD THE FOLLOWING TO SECTION 152(A):

(C) A RESOLUTION OF EITHER HOUSE OF THE CONGRESS, THE
MATTER AFTER THE RESOLVING CLAUSE OF WHICH IS AS FOLLOWS:
"THAT THE DOES NOT APPROVE THE EXTENSION OF THE
AUTHORITY CONTAINED IN SECTION 402(C) OF THE TRADE REFORM
ACT OF 1974, WITH RESPECT TO", WITH THE FIRST
BLANK SPACE BEING FILLED WITH THE NAME OF THE RESOLVING
HOUSE, AND THE SECOND BLANK SPACE BEING FILLED WITH THE
NAMES OF THOSE COUNTRIES, IF ANY, WITH RESPECT TO WHICH
SUCH EXTENSION IS DISAPPROVED, AND WITH THE RESPECT TO
CLAUSE BEING OMITTED IF THE EXTENSION OF THE AUTHORITY IS
DISAPPROVED WITH RESPECT TO ALL COUNTRIES.

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(REVISE SUBSECTIONS (C), (D), AND (E) TO (1) TAKE INTO
ACCOUNT THAT THESE RESOLUTIONS CAN BE AMENDED, (2) IN THE
CASE OF A RESOLUTION UNDER SECTION 402(D), PROVIDE NO
MOTION TO DISCHARGE UNTIL THE BEGINNING OF THE 45-DAY
PERIOD REFERRED TO IN SUCH SECTION.) END TEXT INGERSOLL

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